IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2619 OF 2004

In

WRIT PETITION NO.6119 OF 2001

Sanjay Sopan Khattal & Ors. : Applicants

V/s.

Navi Mumbai Municipal Corporation & Ors. : Respondents

...

Mr.S.M.Gorwadkar for the applicants.

Mr.B.C.Vaidya for respondent nos.1 & 2.

Mr.C.R.Sonawane, Asstt. Govt. Pleader for resp. no.3.

Mr.R.J.Khule for respondent nos.4 to 8.

...

CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

October 26, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Vaidya for respondent nos.1 & 2, Mr.Sonawane, learned Asstt. Govt. Pleader for respondent no.3 and Mr.Khule for respondent nos.4 to 8, waive service.

Heard by consent.

2. By this Civil Application, the applicants seek recall

of the order dated 4.10.2004 whereby the above Writ Petition was dismissed in default. For the reasons stated in the Civil Application, sufficient cause is made out for recalling the said order dated 4.10.2004. There is no inaction, negligence or want of bona fides on the part of the applicants.

3. In view thereof, the rule is made absolute in terms of prayer clauses (a) and (c), subject to the applicants depositing costs of Rs.500/- with the Maharashtra State Legal Services Authority within a period of two weeks from today.

4. If the costs is deposited as directed above, place the Writ Petition for final hearing on 13.12.2004.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)